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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,293	12/13/2001	Tsutomu Sasaki	15159	1693
23389	7590	10/03/2005	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC				THOMAS, ASHISH
400 GARDEN CITY PLAZA				ART UNIT
SUITE 300				PAPER NUMBER
GARDEN CITY, NY 11530				2626

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/022,293	SASAKI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Ashish K. Thomas	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) 3-13 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/26/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being unpatentable over U.S.

Patent Number 5,440,405 by Ahmed.

Regarding claim 1, Ahmed discloses a facsimile communication method being a non-standard facsimile communication method, which is based on the ITU-T recommendation T-30 and executed by the use of a non-standard facilities signal NSF and a non-standard facilities set-up signal NSS, comprising the steps of:

- Adding independent transmission procedure capability information to NSF and NSS. (Column 9, Lines 36-41 states that a negotiation capability is encoded into the NSF and NSS command frames. The term “negotiation capability” found in Ahmed’s disclosure is equivalent to the term “independent transmission procedure capability” found in the application. In fact, Ahmed describes in Column 3, Lines 36-42 that the term “negotiation” refers to the bilateral information exchange between a calling facsimile machine and a called facsimile machine; this definition can be used to define the term “independent transmission” as well.)

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- Transmitting NSS including said independent transmission procedure capability information in the case when NSF including said independent transmission procedure capability information is detected by a transmission side. (Column 1, Lines 48-54 states that the reception side transmits the NSF frame to the transmission side while the transmission side transmits the NSS frame to the reception side. Ahmed specifies in Column 13, Lines 12-25 that a NSF\* frame and a NSS\* frame are transmitted between the transmission and the reception sides. The symbol “\*\*” is indicative of the independent transmission procedure capability contained in both the NSS and NSF frames.)
- Implementing an independent transmission procedure between both transmission and reception sides after detecting NSS by the reception side. (Column 10, Lines 30-52 portrays a scenario where an independent transmission procedure(negotiation capability) is implemented between the transmission side and the reception side.)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 5,440,405 by Ahmed in view of U.S. Patent Number 5,877,870 by

Sakai.

Regarding claim 2, Ahmed describes a facsimile apparatus consisting of an independent transmission procedure between the transmission side and reception side. However, Ahmed does not include a step in which the time for delivering a preamble signal is reduced to a shorter time than the one defined in the ITU-T recommendation. Sakai, meanwhile, describes numerous occasions in which the preamble is reduced from a standard value. In Column 6, Lines 16-19, a step in which the preamble is reduced after detecting the NSS signal is illustrated. A transmission side signal and reception side signal with a shorter preamble are described in Column 4, Lines 25-30. Therefore it would have been obvious to one skilled in the art, at the time of the present invention, to modify Ahmed with Sakai to produce a facsimile apparatus in which, within the independent transmission procedure, the time for delivering preamble signals are reduced. The end result is a facsimile communication method in which within the independent transmission procedure, a time for delivering preamble signals added to all the binary codes to be used in a facsimile communication procedure is reduced to a predetermined time, which is shorter than that defined by the Recommendation, on and after NSF including said independent transmission procedure capability information transmitted from the reception side was correctly discriminated by said transmission side as well as on and after said NSS including said independent transmission

procedure capability information transmitted from the transmission side was correctly discriminated by said reception side.

***Allowable Subject Matter***

3. Claims 3-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Objections***

4. Claim 3 is objected to because of the following informalities: the term "nfs" in line 3 should be changed to "NSF." Appropriate correction is required.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashish K. Thomas whose telephone number is 571-272-0631. The examiner can normally be reached on Monday through Friday, 7am to 3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*KA Williams*  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER